

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>ANGELO FEARS,</b>	:	
	:	
<b>Petitioner,</b>	:	<b>CASE NO. 01 CV 183</b>
	:	
<b>vs.</b>	:	<b>JUDGE RICE</b>
	:	
<b>MARGARET A. BAGLEY, WARDEN</b>	:	<b>MAGISTRATE JUDGE MERZ</b>
	:	
<b>Respondent.</b>	:	

**WARDEN’S RESPONSE TO SUA SPONTE  
SUPPLEMENTATION OF RECORD WITH DR. GASTIL  
AFFIDAVIT FROM ASHWORTH CASE**

The Warden respectfully commends the matter to the sound discretion of the Court.

As an observation, however, the Warden notes that Dr. Gastil has now cast white Scotch-Irish males as victims of “The Southern Culture of Violence”, which heretofore the Warden was of the belief that victimology was confined to urban black males. In the Warden’s view, this type of freewheeling social “science” would easily be exposed as lacking a foundation in scholarship and logic, and stands as a shining example of the propriety of a *Daubert* hearing in death penalty habeas practice.

Respectfully submitted,

**JIM PETRO**  
Attorney General

S/ Stephen E. Maher  
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**COUNSEL FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Respondent's Post Evidentiary Hearing Memorandum has been forwarded to Lawrence Greger, 1100 Liberty Tower, 120 W. Second Street, Dayton, Ohio 45402 and Linda Prucha, Ohio Public Defender, 8 East Long Street, 11<sup>th</sup> Floor, Columbus, Ohio 43215, by electronic filing this 3<sup>rd</sup> day of August, 2005.

S/Stephen E. Maher  
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